

**IN THE UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF OHIO
WESTERN DIVISION
(AT CINCINNATI)**

JEFFERY A. NORRIS,)	Case No. C-1-01-374
)	
Plaintiff,)	Judge Dlott
)	Magistrate Hogan
)	
-vs-)	
)	
FLOYD LOLLA, ET AL.)	
)	
Defendants.)	

PLAINTIFF'S REPORT TO THE COURT

NOW COMES Plaintiff Jeffery A. Norris ("Plaintiff"), by and through Counsel, and respectfully submits the following Report in anticipation of the telephone Status Conference scheduled for April 15, 2004 before the Honorable Magistrate Judge Hogan:

REPORT

As the Court is aware, Plaintiff has previously encountered some difficulty in taking the deposition of Defendant Floyd Lolla, a resident of Indianapolis, Indiana. After originally failing to appear for a previously scheduled deposition, Mr. Lolla agreed to submit to a deposition to take place on April 2, 2004 at the offices of John Conner & Associates in Indianapolis, Indiana.

Mr. Lolla did appear for the deposition but asked that it be adjourned before it could be completed. Plaintiff accommodated Mr. Lolla's request and, by agreement, the parties continued the deposition in progress and agreed to resume the deposition, by telephone, on April 8, 2004 at 3:30 p.m. local time.

On April 8, 2004, at the appointed time, counsel for Plaintiff contacted the court reporter's office for the purpose of continuing the deposition, as agreed by the parties. At that time, the court reporter notified counsel for Plaintiff that Defendant had fallen ill in the lobby of the court reporter's office and had been transported away from the offices.

Under the circumstances, the deposition of Mr. Lolla could not be completed and, at this time, remains continued in progress. Under the circumstances, counsel for Plaintiff opted to address this matter at the telephone Status Conference rather than re-notice the deposition under the circumstances.

Respectfully submitted,

PRATT & SINGER CO., L.P.A.
Attorneys for Plaintiff

/s/ James Papakirk
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CERTIFICATE OF SERVICE

I certify that a copy of the foregoing Motion was served upon the following via ordinary mail, postage prepaid, this 14th day of March, 2004:

Floyd Lolla
1912 N. Gent Avenue
Indianapolis, Indiana 46202

/s/ James Papakirk
James Papakirk (0063862)
Attorney for Plaintiff